Remarks/Arguments

Claims 1-21 are pending and stand rejected on varying grounds under §102(a) and 103(a).

No claims have been amended.

In view of the comments below, Applicant respectfully requests that the Examiner reconsider the present application including claims 1-21 and withdraw the rejection of these claims.

a) Claims 1-8 and 10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Sallinen et al (WO01/06,799A1).

Claim 1 is in independent form with the other claims dependent thereon.

The present invention includes methods and apparatus that concern whether, when, or under what circumstances a WLAN device should enable a service acquisition mode, i.e., even attempt to contact or make a connection with another WLAN device. The invention can be advantageously employed by a WLAN device to forego any form of contact or service acquisition unless or until such acquisition is likely or desired, thereby, e.g., reducing unnecessary or undesirable battery drain or minimizing awareness of and enhancing security for the WLAN device.

Salinen et al concerns an approach for a network operator to selectively offer services to potential users of such services and has nothing what-so-ever to do with controlling whether, when, etc. a device attempts to connect to another device, i.e., attempts or enables service

acquisition as variously claimed. The Examiner is respectfully referred to the Background section of the Application where among other information it is noted at page 1, line 19 that "All of these systems have some form of service acquisition mode that equipment operating according to the respective specifications utilizes in order to form a connection with another unit or units in the system." The Examiner may also find the information at page 6, line13 – page 7, line 8 useful. One passage notes that "The slave will enter a further service acquisition activity including inquiry, service discovery and access sequence in hopes of discovering service available from another piconet or master."

Claim 1 defines a method, in a wireless LAN device, of controlling service acquisition. Specifically claim 1 recites:

> "A method of controlling service acquisition in a wireless local area network (WLAN) device, the method including the steps of:
>
> determining a parameter that corresponds to a present environment for the WLAN device;
>
> comparing said parameter to a predetermined value to provide a comparison, said predetermined value defining, in part, an environment where service for the WLAN device is desirable, the service provided from a second WLAN device;
>
> analyzing said comparison according to a rule to provide a decision;
>
> enabling a service acquisition mode when the decision is favorable, wherein the service acquisition mode facilitates coupling to the second WLAN device; and
>
> foregoing said service acquisition mode when the decision is unfavorable."

Salinen et al is clearly distinct from the claimed invention in a number of ways. First of all whatever is discussed in Salinen et al concerns or deals with mobile phones (page 2, line 22). As is known mobile phones unconditionally enable a service acquisition mode (typically on

power up or as the unit moves from one network's service area to another network's service area) and this results in establishing a connection to a network if a network is available and the phone is compatible with and authorized to operate on the network. Salinen et al deals with what happens after this service acquisition mode forms or results in a connection with a network, specifically whether a network allows a mobile phone to temporarily access a local service (group supplementary service – visitor with mobile phone can contact organizing personnel or call is routed to info desk (page 4, lines 1-2, 24-25)).

Secondly, whatever is discussed in Salinen et al concerns or deals with the network (network element – page 3, line 1-3, etc) analyzing a call attempt from a mobile phone whereas the claimed invention has to do with a method within or alternatively a WLAN device (claim 11) and conditionally enabling service acquisition as claimed.

Thirdly, in Salinen et al, after service acquisition has occurred (phone is on the network), a connection attempt is analyzed and if certain conditions are met a call is established (see, e.g., page 3, lines 4-13) whereas in the claimed invention certain conditions must be satisfied before a service acquisition mode is enabled and when these conditions are not satisfied the method includes foregoing the service acquisition mode, i.e., it is as though the phone was not powered up unless the claimed conditions are satisfied.

Therefore, Applicant respectfully submits that Salinen et al does not anticipate all features (enabling a service acquisition mode when a decision is favorable ... or foregoing the service acquisition mode when the decision is unfavorable) of claim 1 or, at least by virtue of dependency, claims dependent thereon. Thus, Applicant respectfully requests that the Examiner

reconsider and withdraw the rejection of claims 1-8 and 10 under 35 U.S.C. 102(b) as being anticipated by Sallinen et al (WO01/06,799A1).

b) Claims 9 and 11-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sallinen et al in view of Amitay et al (US Patent No. 5,684,801).

Claim 9 is dependent on claim 1 and at least by virtue of dependency on a claim that appears to be allowable over these references should also be deemed to be allowable. Furthermore, claim 9 requires that the WLAN device be programmed with at least one of a location, time, or state as the predetermined value referred to in claim 9, 8, and 1. The Examiner maintains that "Amitay et al disclose: providing the predetermined value includes programming the WLAN device with one of a location, time, and state (col. 4, lines 47-57).

Applicant notes that the cited passage of Amitay et al does not discuss or suggest anything having to do with programming a WLAN device with location, time or state information. This passage does refer to an EEPROM used to store programmed instructions for execution by a CPU and various communication parameters (super frame marker, WLAN access and contention resolution instructions, etc.), however nothing is said or suggested regarding the specific claimed features. Thus Applicant submits that this rejection of claim 9 is not appropriate and respectfully requests that the Examiner reconsider and withdraw the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Sallinen et al in view of Amitay et al (US Patent No. 5,684,801).

Claim 11 is in independent form with claims 12-21 dependent thereon. Regarding claim 11, the Examiner maintains that:

> "Sallinen et al disclose a WLAN device arranged and constructed to control service acquisition comprising in combination:
>
> a user input output (I/O) (user interface 1; fig. 1) for interacting with a user;
>
> determining a parameter (location, time, etc.) that corresponds to a present environment for the WLAN device (page 3, lines 26-31);
>
> comparing said parameter to a predetermined value (predetermined visitor number) to provide a comparison, said predetermined value defining, in part an environment (location) where service for the WLAN device is desirable, the service provided from a second WLAN device (page 5, lines 1-10; page 9, lines 9-17);
>
> analyzing said comparison according to a rule (visitor access requirement) to provide a decision (page 5, lines 1-10; page 9, lines 9-17);
>
> enabling a service acquisition mode when the decision is favorable wherein the service acquisition mode facilitates coupling to the second WLAN device (allowing connection to a local service if the call attempt meets the visitor access requirement; (page 9, lines 9-17); and
>
> foregoing said service acquisition mode when the decision is unfavorable (not authorizing connection to a local service if the call attempt does not meet the visitor access requirement; page 9 lines 9-17)."

The Examiner next concedes that:

> "Sallinen et al do[es] not disclose: a transceiver for coupling to a second WLAN device; a controller, couple to said user (I/O) and said transceiver, for deciding whether said transceiver will enter a service acquisition mode thereby coupling to said second WLAN device."

and then maintains that:

> "Amitay et al disclose: a transceiver (RF modem 306) for coupling to a second WLAN device (101) (col. 4, lines 30-46); a controller (302, 305), couple to said user (I/O) and said transceiver (306), for deciding whether said transceiver will enter a

> service acquisition mode thereby coupling to said second WLAN device (101) (col. 3, line 40 col. 4, line 62)." [and concludes] "It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a transceiver and controller within the WLAN device in order to communicate with the other devices in the local area network and allow the WLAN device to compute information for the WLAN device."

Applicant concedes that Amitay et al shows or suggest a transceiver and a controller; however, the controller in Amitay et al has nothing to do with deciding whether the transceiver will enter a service acquisition mode or the more detailed processes for doing so as recited by claim 11. The extensive passage from col. 3, line 40 to col. 4, line 62, cited by the Examiner, speaks to the operation of an interface adapter (P/O of a WLAN portable device) for an active device that is contending for access to a repeater and does not speak to how such a device decides to become active.

Applicant further disagrees with the Examiner's construction of Salinen et al. For example, Salinen et al clearly does not show or suggest a WLAN device that performs any determining ..., comparing ..., analyzing ..., enabling ..., or foregoing ... all as recited by claim 11. As noted above whatever is happening in Salinen et al is occurring in the network rather than in a WLAN device and is not directed to determining whether a WLAN device should enable the service acquisition mode. Various other portions of the above discussion of Salinen et al with reference to claim 1 also is applicable to the present discussion of claim 11.

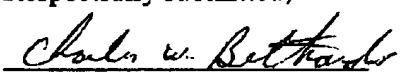
Therefore and in view of one or more of these reasons, Applicant respectfully submits that Salinen et al and Amitay et al, taken alone or together, do not show or suggest all features of claim 11 or, at least by virtue of dependency, claims 12-21. Thus, Applicant respectfully

requests that the Examiner reconsider and withdraw this rejection of claim 11-21 under under 35 U.S.C. 103(a) as being unpatentable over Sallinen et al in view of Amitay et al (US Patent No. 5,684,801).

Accordingly, Applicant respectfully submits that the claims clearly and patentably distinguish over the cited references of record and as such are to be deemed allowable. Such allowance is hereby earnestly and respectfully solicited at an early date. If the Examiner has any suggestions or comments or questions, calls are welcomed at the phone number below.

Although it is not anticipated that any fees are due or payable since this response is being timely filed and no other fees appear to be due or payable, the Commissioner is hereby authorized to charge any fees that may be required to Deposit Account No. **50-3435**.

Respectfully submitted,



Charles W. Bethards
Reg. No. 36,453

Law Office of Charles W. Bethards, LLP
P.O. Box 1622
Colleyville, Texas 76034
Phone (817) 581-7005
Fax (817) 281-7136
Customer No. 51874